

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JOAN TRUMAN SMITH

CIVIL ACTION NO:
CV 02 3029 (JBW)

V.

Honorable Jack B. Weinstein

BRYCO ARMS, Inc., et al.

AFFIDAVIT OF PAUL JIMENEZ

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

Before me, the undersigned authority, personally appeared Paul Jimenez, who is known to me, and who after being duly sworn deposes and says:


I, PAUL JIMENEZ, being over eighteen (18) years of age and competent to testify as a witness and having personal knowledge of the facts set forth below do herein make oath in due form as follows:

1. I am the plant manager of Bryco Arms, Inc. ("Bryco").
2. On July 2, 2002, a private process server attempted to serve Bryco, with two summonses, one for Calwestco, and one for Jennings Firearms, Inc. of California ("JFI") at the office of Bryco located in Costa Mesa, California by serving me. The addresses on the summonses directed to both Calwestco and JFI are 17692 Cowan Street, Irvine, California 92714, while Bryco's address is 380 Clinton Street, Costa Mesa, California 92626. I specifically informed the private process server that I was not authorized to accept the summonses for Calwestco and JFI. Despite being told that I was not authorized to accept service for Calwestco and JFI, the process server placed the summonses under the gate of the receiving dock at Bryco and left.

3. I have never been employed by JFI or Calwestco as an officer, director, manager or agent, and have never been authorized by appointment or by law to receive service of process or summonses for JFI or Calwestco.

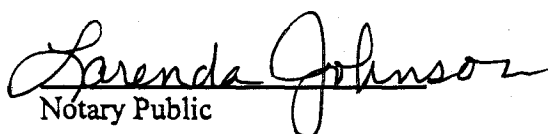
I declare under the penalty of perjury under the laws of the State of California that the contents of the foregoing affidavit are true and correct to the best of my knowledge.

Dated: 7-18-02

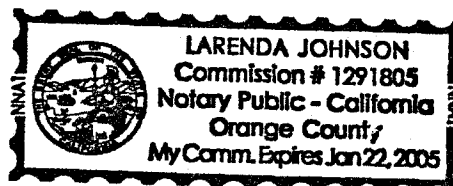

Paul Jimenez
Plant Manager, Bryco Arms, Inc.

Sworn to me this
18th day of July, 2002.

Date: July 18, 2002


Notary Public

My commission expires on JAN. 22, 2005



(B0276999.WPD;1)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JOAN TRUMAN SMITH

CIVIL ACTION NO:
CV 02 3029 (JBW)

V.

Honorable Jack B. Weinstein

BRYCO ARMS, Inc., et al.

AFFIDAVIT OF BRUCE JENNINGS

STATE OF NEW YORK)
) ss:
CITY OF NEW YORK)

Before me, the undersigned authority, personally appeared Bruce Jennings, who is known to me, and who after being duly sworn deposes and says:

I, BRUCE JENNINGS, being over eighteen (18) years of age and competent to testify as a witness and having personal knowledge of the facts set forth below do herein make oath in due form as follows:

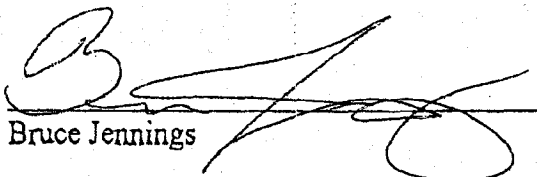
1. JFI was incorporated under the laws of the State of California on April 28, 1978. *See Articles of Incorporation*, dated April 24, 1978, attached hereto as Exhibit 1; *See Domestic Corporation Certificate of Filing and Suspension of Jennings Firearms, Inc. from California Secretary of State*, attached hereto as Exhibit 2. At the time of its existence, the corporate purpose of JFI was to manufacturer firearms. JFI ceased the manufacturing of firearms in approximately 1985. On January 4, 1993, the Secretary of State for California suspended the corporate powers, rights and privileges of JFI pursuant to the California Bank and Corporation Tax Law for not filing the requisite tax statement and not filing the annual fee. Ex. 2.

2. It is my understanding, based upon information provided to me by counsel, that Calwestco was incorporated in California on October 15, 1984 by Gene R. Johnson. *See Articles of Incorporation for Calwestco, Inc.* dated October 15, 1984 attached hereto as Exhibit 3. Mr. Johnson filed a Certificate of Election to Wind up and Dissolve Calwestco on November 15, 1990. *See Certificate of Election to Wind up and Dissolve*, dated November 15, 1990, attached hereto as Exhibit 4. A Tax Clearance Certificate was issued by the California Franchise Tax Board on December 10, 1990, *See Tax Clearance Certificate*, attached hereto as Exhibit 5, and a Certificate of Dissolution was filed by Gene R. Johnson on December 18, 1990. *See Certificate of Dissolution*, attached hereto as Exhibit 6. Gene R. Johnson passed away in the early 1990s.

3. I am not, nor have I ever been, an employee, agent, shareholder, board member, officer, or director of Calwestco. Nor have I at any time owned any financial interest, either directly or indirectly, in Calwestco.

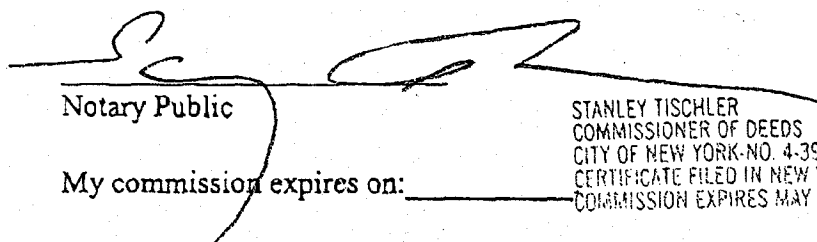
I declare under the penalty of perjury under the laws of the State of NEW YORK
that the contents of the foregoing affidavit are true and correct to the best of my knowledge.

Dated: 7-19-02


Bruce Jennings

Sworn to me this
19 day of July, 2002.

Date: 7/19/02


Notary Public
My commission expires on: _____
STANLEY TISCHLER
COMMISSIONER OF DEEDS
CITY OF NEW YORK-NO. 4-3961
CERTIFICATE FILED IN NEW YORK COUNTY
COMMISSION EXPIRES MAY 1, 2004

845107

ARTICLES OF INCORPORATION
OF
JENNINGS FIREARMS, INC.

ENDORSED
FILED
In the office of the Secretary of State
of the State of California
APR 28 1978
MARCH FONG EU, Secretary of State
By BILL HOLDEN
Deputy

1. The name of this corporation is JENNINGS FIREARMS, INC.
2. The purpose of this corporation is to engage in any law-ful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.
3. The name and address in the State of California of this corporation's initial agent for service of process is Bruce Jennings, 1034 Via Esperanza, San Dimas, 91773.
4. This corporation is authorized to issue only one class of shares of stock; and the total number of shares which this corporation is authorized to issue is Ten Thousand (10,000).

Dated: 4/24, 1978


Bruce Jennings
BRUCE JENNINGS

I, BRUCE JENNINGS, hereby declare that I am the person who executed the foregoing Articles of Incorporation of JENNINGS FIREARMS, INC. and that said Articles of Incorporation are my own act and deed.

Executed on 4/24, 1978, at Glendora, California.

Bruce Jennings

BRUCE JENNINGS

95780 

PROPRIETARY

This document shall not be copied or distributed beyond the recipient without written permission of the owner.

CONFIDENTIAL

003337

State of California

SECRETARY OF STATE

DOMESTIC CORPORATION CERTIFICATE OF FILING AND SUSPENSION

I, BILL JONES, Secretary of State of the State of California, hereby certify:

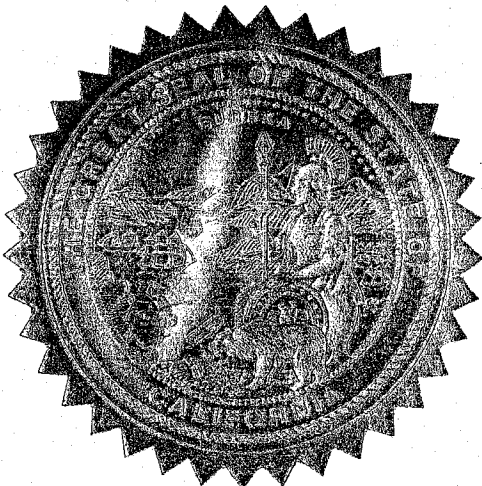
That on **April 28, 1978**, **JENNINGS FIREARMS, INC.**, corporate number **C0845107** became incorporated under the laws of the State of California by filing its Articles of Incorporation in this office.

That on **December 28, 1992**, pursuant to the provisions of Sections 2205 and 2206 of the California Corporations Code, the Secretary of State notified the Franchise Tax Board that the corporate powers, rights and privileges of the above-named corporation had been suspended for failure to file a Statement pursuant to Section 1502 of the California Corporations Code; and, that on the same date, a notice was mailed to said corporation informing the corporation that its corporate powers, rights and privileges were suspended.

That on **January 4, 1993**, pursuant to the provisions of the California Bank and Corporation Tax Law, more particularly Section 23302 of the Revenue and Taxation Code, the Franchise Tax Board transmitted a list to this office containing the names of domestic corporations, the exercise of whose corporate powers, rights and privileges had been suspended under that law, which included the above-named corporation.

That the corporate powers, rights and privileges of the above-named corporation remain suspended, reinstatement never having been effected.

IN WITNESS WHEREOF, I execute this
certificate and affix the Great Seal
of the State of California this day
of June 27, 2002.



Bill Jones
BILL JONES
Secretary of State

yr

1324511

ARTICLES OF INCORPORATION FILED

In the office of the Secretary of State
of the State of California

NOV 21 1984

MARCY FONG LU, Secretary of State

By Sharon R. Harting
Deputy

ARTICLE I

The name of this corporation is Calwestco Inc.

ARTICLE II

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

ARTICLE III

The name and address in the State of California of this corporation's initial agent for service of process is: _____

GENE R. JOHNSON 18028 Talisman Hesperia, Ca. 92345

ARTICLE IV

The corporation is authorized to issue only one class of shares of stock; and the total number of shares which this corporation is authorized to issue is 100,000 shares.

~~AGENT FOR SERVICE OF PROCESS: GENE R. JOHNSON~~
~~18028 TALISMAN~~
~~HESPERIA, CA 92345~~

DATED: October 15, 1984

[Signature]
[Signature(s) of Incorporator/Director(s)]

Gene R. Johnson 18028 Talisman
(Typed name and address of Incorporator)

I (we) hereby declare that I (we) am (are) the person(s) who executed the foregoing Articles of Incorporation, which execution is my (our) act and deed.

[Signature]

Gene R. Johnson 18028 Talisman
Hesperia, Ca 92345

NOTES: 1. If this is to be a close corporation:

- The word "Incorporated", "corporation", or "limited", or an abbreviation of one of such words must appear in the name.
- An Article V must be typed in above and should say: "This corporation is a close corporation. All of the corporation's issued shares of stock shall be held of record by not more than ten (10) persons."

2. If it is desired (it is not necessary) to name the directors in the articles:

- An Article V or VI must be typed in above and should say "The names and addresses of the initial directors are as follows: _____" Each director so named must also sign and acknowledge the articles.

3. If directors are not named in the articles, the incorporator's name and address should be typed below his signature.

1324511

D363458

FILED
In the office of the Secretary of State
of the State of California

NOV 19 1990

March Fong Eu
MARCH FONG EU, Secretary of State

CERTIFICATE OF ELECTION TO WIND UP AND DISSOLVE

Gene R. Johnson certifies that:

1. He is the president and the secretary, respectively, of Calwestco Inc.
2. The corporation has elected to wind up and dissolve.
3. The election was made by the vote of 5,000 shares of the corporation and representing at least 50 percent of the voting power of the corporation.

I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of my own knowledge.

DATE

November 15, 1990

Gene R. Johnson

GENE R. JOHNSON
PRESIDENT

Gene R. Johnson

GENE R. JOHNSON
SECRETARY



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
P.O. BOX 942857
SACRAMENTO, CA 94257-0541

TAX CLEARANCE CERTIFICATE

December 10, 1990

EXPIRATION DATE: January 15, 1991

CALWESTCO INC.
17692 COWAN
IRVINE CA 92714

ISSUED TO: CALWESTCO INC.
Corporate Number 1324511 CI4**

This is to certify that all taxes imposed under the Bank and Corporation Tax Law on this corporation have been paid or are secured by bond deposit or other security.

A copy of this Tax Clearance Certificate has been sent to the Office of the Secretary of State. This original Tax Clearance Certificate may be retained in the files of the corporation.

By the Expiration Date noted above, this corporation must have filed the documents required by the Secretary of State to dissolve, withdraw or merge. Requests for the appropriate documents must be directed to: Office of the Secretary of State at 1230 J Street, Sacramento, CA 95814. The telephone number is (916) 445-0620.

NOTE: If the required documents are not filed with the Secretary of State prior to the Expiration Date noted above, the corporation will remain subject to the filing requirements of the Bank and Corporation Tax Law.

FRANCHISE TAX BOARD

By J. Snyder
Tax Clearance Unit
Special Audit Section
Telephone (916) 369-4124

FTB 2570 MEON EW 188

COPY

D371215

CERTIFICATE OF DISSOLUTION

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

GENE R. JOHNSON CERTIFIES THAT:

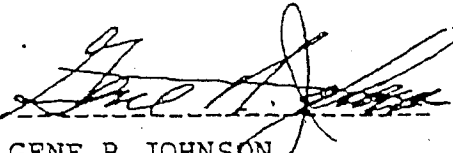
JAN 11 1991

1. He constitutes a majority of the directors now in office of Calwestco Inc., a California corporation.
2. The corporation has been completely wound up.
3. The corporation's known debts and liabilities have been adequately provided for by; Creating a trust named Calwestco Trust of which GENE R. JOHNSON is trustee, the address of the trust is 18028 Talisman St. Hesperia, Ca. 92345.
4. The corporation's known assets have been distributed to the persons entitled thereto.
5. The corporation is dissolved.

MARCH FONG EU, Secretary of State

I further declare under penalty of perjury under the laws of the of the State of California that the matters forth in this certificate are true and correct of my own knowlrdge.

DATE 12-18-90



GENE R. JOHNSON
Majority share holder